

**BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY**

**ORDINANCE 2021-33**

**AN ORDINANCE AMENDING CHAPTER 201: “FENCES AND HEDGES” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO MAKE SAME CONSISTENT WITH LATER REVISIONS AND UPDATES TO CHAPTER 450: “ZONING” OF THE BOROUGH’S REVISED GENERAL ORDINANCES.**

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**Mayor Fox** offered the following Ordinance and moved its introduction:

**WHEREAS**, the Borough of Bradley Beach, County of Monmouth, and State of New Jersey (the “Borough”) has determined that Chapter 201: “Fences and Hedges” of the Borough Code, which was adopted in 1974, does not comport with later updates, additions, and revisions to Chapter 450: “Zoning” of the Borough Code; and

**WHEREAS**, an amendment to the Borough Code is necessary to render Chapter 201: “Fences and Hedges” consistent with Chapter 450: “Zoning” within the Borough Code;

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Chapter 201 entitled “Fences and Hedges” is hereby amended as follows (stricken text deleted; underlined text added):

**CHAPTER 201**  
**FENCES AND HEDGES AND STREETSIDE PLANTINGS**

**§ 201-1 Height Limitation.**

No person shall keep or shall plant, grow, maintain or permit to be planted, grown, kept or maintained upon the side or rear lines of any lot or lots in the Borough a privet hedge ~~or erect or construct or permit to be erected or constructed any other fence~~ on the side lines which shall be more than four feet in height and on the rear line which shall be more than six feet in height.

**§ 201-2 Permit Required for Plantings between Curblineline and Front Lot Line.**

No person shall plant, grow, keep or maintain or permit to be planted, grown, kept or maintained any flowers, privet hedges or other shrubbery between the curblineline and the front lot line of the property without securing a permit from the Mayor and Council. The Mayor and Council shall refuse the granting of a permit should the location of the flowers, privet hedges and other shrubbery, if so planted, grown, kept or maintained between the curblineline and front lot line of any property, encroach upon, over or under any sidewalk or street.

**~~§ 201-3 — Permit Required for Fences.~~**

~~No person shall erect or construct any fence without first submitting an application to the Mayor and Council requesting permission to erect or construct a fence, and the Mayor and Council shall have and are hereby empowered to refuse the granting of a permit for the erection and construction of any fence which in its judgment should be determined a nuisance, dangerous or unsightly or would be in violation of any provision of this section or any other ordinance of the Borough.~~

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

**SO ORDAINED** as aforesaid.

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ERICA KOSTYZ  
Municipal Clerk

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LARRY FOX  
Mayor

Introduced: December 14, 2021

Date of Hearing and Adoption: December 28, 2021